

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NORTH CAROLINA
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,)
5)
6 PLAINTIFF,)
7 VS) CASE NO. 4:13-CR-39-1-D
8 JEFFREY LEVON WRIGHT,)
9 DEFENDANT.)

10
11
12 MOTION HEARING

13 JULY 22, 2013

14 CHIEF DISTRICT JUDGE JAMES C. DEVER III

15
16 APPEARANCES:

17 MR. SEAN EVANS
18 ASSISTANT UNITED STATES ATTORNEY
19 310 NEW BERN AVENUE
20 RALEIGH, NC 27601
21 (FOR THE GOVERNMENT)

22 MR. DAVID W. VENABLE
23 ATTORNEY AT LAW
24 SUITE 310
25 5 W. HARGETT STREET
26 RALEIGH, NC 27601
27 (FOR THE DEFENDANT)

28 SHARON K. KROEGER, COURT REPORTER
29 MACHINE SHORTHAND REPORTER, COMPUTER AIDED TRANSCRIPTION

I N D E X

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MICHAEL HOWARD	3	6	11	
ANNETTE DAVIS	14	20	26	

1 THE COURT: GOOD MORNING. WELCOME TO THE
2 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
3 NORTH CAROLINA. WE ARE HERE FOR APPEAL IN A DETENTION
4 HEARING.

5 GOOD MORNING, MR. VENABLE. ARE YOU AND MR.
6 WRIGHT READY TO PROCEED?

7 MR. VENABLE: WE ARE.

8 THE COURT: MR. EVANS, IS THE GOVERNMENT
9 READY?

10 MR. EVANS: YES, YOUR HONOR.

11 THE COURT: I HAVE REVIEWED JUDGE GATES' ORDER
12 AND REVIEWED THE INDICTMENT. IT IS A PRESUMPTION CASE.

13 DOES THE GOVERNMENT WANT TO PUT ON ANY
14 EVIDENCE?

15 MR. EVANS: YOUR HONOR, TASK FORCE OFFICER
16 HOWARD IS HERE. I WOULD BE HAPPY TO PUT HIM ON TO GIVE
17 YOU A SUMMARY OF THE CASE, YOUR HONOR.

18 THE COURT: OKAY.

19 MR. EVANS: THANK YOU.

20 MICHAEL HOWARD, CALLED AS A WITNESS HAVING,
21 HAVING BEEN FIRST DULY SWORN, ON HIS OATH,
TESTIFIED AS FOLLOWS:

22 THE COURT: YOU MAY EXAMINE THE WITNESS.

23 MR. EVANS: THANK YOU, YOUR HONOR.

24 DIRECT EXAMINATION BY MR. EVANS:

25 Q AGENT HOWARD, GOOD MORNING, SIR.

1 A GOOD MORNING.

2 Q WERE YOU INVOLVED WITH THE INVESTIGATION OF JEFFREY
3 WRIGHT?

4 A I WAS.

5 Q CAN YOU IDENTIFY THAT INDIVIDUAL IN THE COURTROOM
6 TODAY?

7 A YES. HE IS SITTING TO THE RIGHT OF HIS DEFENSE
8 ATTORNEY HERE THE WHITE PINSTRIPED SUIT.

9 Q AGENT HOWARD, CAN YOU SUMMARIZE THE INVESTIGATION OF
10 MR. WRIGHT TO THE COURT?

11 A YES. BASICALLY FEBRUARY OF 2012, THE DEA AGENTS
12 INTERVIEWED A C.I. THAT GAVE HISTORICAL INFORMATION THAT
13 HE HAD SOLD SEVERAL KILOS TO MR. WRIGHT DURING THE PERIOD
14 OF TIME BETWEEN ROUGHLY AROUND 2002 I THINK. I AM NOT
15 SURE. I THINK IT WAS 2000 AND 2002, DURING THAT TIME
16 FRAME.

17 PURSUANT --

18 THE COURT: KILOS OF COCAINE?

19 THE WITNESS: CORRECT.

20 Q PURSUANT TO THAT, IN FEBRUARY OF 2013, WE UTILIZED A
21 C.I. TO MAKE CONTACT WITH MR. WRIGHT. PRIOR TO THAT 2013
22 DATE, A FEW DAYS PRIOR, THE C.I. MADE RECORDED PHONE
23 CALLS AND ALSO HAD A RECORDED MEETING WITH MR. WRIGHT
24 WHERE THEY DISCUSSED A TRANSACTION FOR A KILO OF COCAINE
25 TO BE SOLD TO MR. WRIGHT.

1 ON FEBRUARY 11, 2013, WE SET UP A MEET WITH MR.
2 WRIGHT TO SELL HIM A KILO OF COCAINE. THE C.I. MET MR.
3 WRIGHT AT THE HOOTER'S PARKING LOT IN GREENVILLE, NORTH
4 CAROLINA, AT WHICH TIME AS SOON AS THE C.I. PULLED UP,
5 MR. WRIGHT WALKED UP TO THE C.I. VEHICLE.

6 THE TRANSACTION TOOK PLACE. THE C.I. HANDED THE
7 KILO OF COCAINE TO MR. WRIGHT. HE PLACED IT IN HIS
8 WAISTBAND IN HIS PANTS AND WALKED OVER TO HIS TOYOTA
9 YARIS CAR THAT HE HAD THERE WITH HIM, PLACED THAT KILO UP
10 UNDERNEATH THE FRONT PASSENGER SEAT AND SHUT AND LOCKED
11 HIS VEHICLE, WHEN BOTH THE C.I. AND MR. WRIGHT WALKED
12 INSIDE THE RESTAURANT THERE AT THE RESTAURANT IN HOOTER'S
13 AND HAD SUPPER.

14 DURING THE TIME THEY HAD SUPPER, THEY CONTINUED TO
15 HAVE CONVERSATION ABOUT THE KILO TRANSACTION AND ONCE
16 THEY EXITED, BOTH SUBJECTS WERE TAKEN INTO CUSTODY AND
17 APPROACHED BY LAW ENFORCEMENT.

18 PURSUANT TO BOTH SUBJECTS BEING DETAINED, A SEARCH
19 OF MR. WRIGHT'S VEHICLE REVEALED THAT THE COCAINE WAS
20 LOCATED ON THE FRONT PASSENGER SEAT ALONG WITH A LOADED
21 HANDGUN THAT WAS ALSO LOCATED BETWEEN THE CENTER CONSOLE
22 AND THE SEAT AS WELL.

23 Q AGENT HOWARD, YOU MENTIONED SOME HISTORICAL
24 INFORMATION THAT WAS OBTAINED IN FEBRUARY OF 2012. WERE
25 THERE MULTIPLE SOURCES THAT INDICATED THAT MR. WRIGHT WAS

1 A COCAINE DEALER IN THE KILO AMOUNT AREA?

2 A YES, THERE WAS.

3 Q DO YOU HAVE MORE IMPORTANT EVENTS OR THAT YOU RECALL
4 FROM THE LAST DETENTION HEARING?

5 A NO.

6 MR. EVANS: NO FURTHER QUESTIONS, YOUR HONOR.

7 THE COURT: CROSS-EXAMINATION.

8 MR. VENABLE: THANK YOU, YOUR HONOR.

9 CROSS-EXAMINATION BY MR. VENABLE:

10 Q GOOD MORNING, DETECTIVE HOWARD.

11 A GOOD MORNING.

12 Q THE CONFIDENTIAL INFORMANT YOU ARE REFERRING TO, IS
13 THAT A GRADY SWAIN JOYNER; IS THAT CORRECT?

14 A I AM NOT 100 PERCENT SURE ON HIS NAME.

15 Q DO YOU KNOW A STREET NAME FOR HIM?

16 A NO, I DO NOT.

17 Q DO YOU KNOW A FIRST NAME OR LAST NAME, ANY NAME
18 AT ALL?

19 A AS I EXPLAINED THE LAST TIME, I WAS NOT THE CALLING
20 AGENT OF THAT PARTICULAR C.I., SO I WAS NOT 100 PERCENT
21 SURE ON HIS NAME.

22 Q DID YOU MONITOR THE MEETINGS OR THE PHONE CALLS
23 WITH -- BETWEEN THE CONFIDENTIAL INFORMANT AND MR.
24 WRIGHT?

25 A NO, I HAVE NOT. I DID NOT MONITOR THOSE CALLS.

1 Q DID YOU MONITOR ANY OF THE MEETINGS? THERE WAS AN
2 INITIAL MEETING AT MR. WRIGHT'S CAR DEALERSHIP, CORRECT,
3 BETWEEN THE CONFIDENTIAL INFORMANT AND MR. WRIGHT?

4 A THERE WAS. I WAS NOT PRESENT FOR THAT MEETING ON
5 THAT DAY.

6 Q WERE YOU MONITORING -- THAT WAS A RECORDED
7 CONVERSATION. I THINK YOU MADE REFERENCE. WERE YOU
8 MONITORING THE TRANSMISSION OR RECORDING OF THAT
9 CONVERSATION?

10 A NO, I WAS NOT. I WAS NOT PRESENT THAT DAY DURING
11 THAT PARTICULAR MEET WITH MR. WRIGHT.

12 Q SO DID YOU -- HAVE YOU GONE BACK AND LISTENED TO THE
13 TAPE OF THAT MEETING?

14 A NO, I HAVE NOT.

15 Q ARE YOU AWARE THAT ON THE WAY BACK FROM THAT MEETING
16 THAT THE CONFIDENTIAL INFORMANT INFORMED THE OFFICERS
17 THAT HE WAS UNABLE TO SELL MR. WRIGHT ANY COCAINE?

18 A COULD YOU REPEAT YOUR QUESTION?

19 Q THAT ON THE WAY BACK FROM THE MEETING BETWEEN THE
20 CONFIDENTIAL INFORMANT AND MR. WRIGHT, THAT THE
21 CONFIDENTIAL INFORMANT TOLD THE OFFICERS THAT HE WAS
22 UNABLE TO BUY ANY COCAINE FROM MR. WRIGHT?

23 WERE YOU AWARE THAT THAT WAS THE STATEMENT MADE BY
24 HIM?

25 A NO, I WAS NOT.

1 Q WAS THE INITIAL GOAL OF THE CONFIDENTIAL INFORMANT TO
2 PURCHASE COCAINE FROM MR. WRIGHT?

3 A NO, IT WAS NOT. THE INITIAL GOAL THERE BEFORE WAS TO
4 CONDUCT A CONTROLLED REVERSAL WITH MR. WRIGHT BECAUSE
5 THAT WAS THE NORMAL NATURE OF HOW THEY CONDUCTED
6 BUSINESS.

7 Q AND SO THE ACTUAL CONTROLLED DELIVERY THAT WAS ON
8 FEBRUARY 11, 2013, THAT TOOK PLACE AT THE HOOTER'S IN
9 GREENVILLE; IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q WERE YOU PRESENT DURING THAT OCCASION?

12 A I WAS PRESENT.

13 Q AND WERE YOU MONITORING THE CONVERSATION IN THAT TIME
14 PERIOD?

15 A NO, I DID NOT HAVE THE KEL DEVICE LOCATED IN MY
16 VEHICLE WHERE I WAS MONITORING THIS CONVERSATION AS IT
17 WAS TAKING PLACE, NO.

18 Q SO HAVE YOU GONE BACK AND LISTENED TO THE TAPE OR THE
19 CONVERSATION FROM THAT TRANSACTION?

20 A NO, I HAVE NOT SPECIFICALLY.

21 Q YOU TESTIFIED THAT THIS CONFIDENTIAL INFORMANT HAD
22 GIVEN YOU INFORMATION, SOME HISTORICAL INFORMATION ABOUT
23 DEALING WITH MR. WRIGHT IN KILOGRAMS OF COCAINE; CORRECT?

24 A HE HAS NOT GIVEN ME SPECIFIC INFORMATION, BUT HE HAS
25 GIVEN AGENTS INVOLVED IN THE CASE INFORMATION.

1 Q AND THIS INFORMATION WAS APPROXIMATELY 2000 OR 2002;
2 SO SOME AT LEAST 10 YEARS AGO?

3 A YES, THAT'S CORRECT.

4 Q YOU REFERENCE IN RESPONSE TO MR. EVANS THERE BEING
5 MULTIPLE SOURCES OF HISTORICAL INFORMATION ABOUT PRIOR
6 DEALS WITH MR. WRIGHT?

7 A YES.

8 Q ALL OF THOSE STATEMENTS WERE SOME APPROXIMATELY 7 TO
9 10 YEARS AGO AT LEAST AS WELL; IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q AT THE DEAL AT THE HOOTER'S ON FEBRUARY 11, THERE WAS
12 NO -- MR. WRIGHT DIDN'T BRING ANY MONEY TO THAT
13 TRANSACTION; CORRECT?

14 A NO, HE DID NOT.

15 Q AND THERE WAS -- AND NO MONEY WAS EXPECTED TO BE
16 COLLECTED AT THAT TRANSACTION?

17 A THAT'S CORRECT.

18 Q SO ESSENTIALLY THE CONFIDENTIAL INFORMANT WAS JUST
19 GIVING A FRONT TO MR. WRIGHT, A KILOGRAM OF COCAINE; IS
20 THAT CORRECT?

21 A THAT'S CORRECT.

22 Q NOW, AFTER THE -- AFTER MR. WRIGHT'S ARREST, HE
23 CONSENTED -- THERE WAS SOME SEARCH CONDUCTED BY LAW
24 ENFORCEMENT OFFICERS; IS THAT CORRECT?

25 A CORRECT.

1 Q GREENVILLE AUTO SALES, MR. WRIGHT GAVE CONSENT FOR
2 YOU TO SEARCH THAT LOCATION; CORRECT?

3 A YES.

4 Q AND THERE WERE NO LARGE AMOUNTS OF CURRENCY, NO
5 DRUGS, NO DRUG PARAPHERNALIA LOCATED AT THAT LOCATION;
6 CORRECT?

7 A NO, THERE WASN'T.

8 Q OFFICERS ALSO CONDUCTED A SEARCH ON FROG LEVEL ROAD
9 IN GREENVILLE; CORRECT?

10 A CORRECT.

11 Q THAT IS THE ADDRESS OF MS. TAMMY WRIGHT?

12 A YES.

13 Q MR. WRIGHT'S SEPARATED WIFE?

14 A YES.

15 Q THERE WAS NO DRUGS OR DRUG PARAPHERNALIA FOUND AT
16 THAT LOCATION; CORRECT?

17 A THAT'S CORRECT.

18 Q AND OFFICERS ALSO SEARCHED A HOME IN ROCKY MOUNT,
19 NORTH CAROLINA; CORRECT?

20 A YES.

21 Q THAT WAS WHERE MS. ANNETTE DAVIS, MR. WRIGHT'S
22 LIVE-IN FIANCE LIVES; IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q THERE WAS NO DRUGS FOUND AT THAT LOCATION EITHER;
25 CORRECT?

1 A CORRECT.

2 Q AND WERE YOU AWARE MR. WRIGHT -- YOU ARE AWARE OF THE
3 BUSINESS HE OWNS AND OPERATES, GREENVILLE AUTO SALES,
4 WITH HIS BROTHER IN GREENVILLE?

5 A YES.

6 Q YOU ARE AWARE THAT HE OWNS MULTIPLE RENTAL HOUSES
7 THAT HE RENTS OUT AT A BUSINESS AS WELL?

8 A YES.

9 Q YOU ARE AWARE THAT HE IS ALSO A LICENSED BAIL
10 BONDSMAN IN THE STATE OF NORTH CAROLINA?

11 A YES.

12 MR. VENABLE: MAY I HAVE JUST ONE MOMENT, YOUR
13 HONOR.

14 THE COURT: YES.

15 MR. VENABLE: THANK YOU. NOTHING FURTHER.

16 THE COURT: ANYTHING ELSE?

17 MR. EVANS: JUST A COUPLE FOLLOW-UP QUESTIONS,
18 YOUR HONOR.

19 REDIRECT EXAMINATION BY MR. EVANS:

20 Q AGENT HOWARD, MR. VENABLE ASKED YOU ABOUT A SEARCH
21 THAT WAS DONE AT A GREENVILLE CAR DEALERSHIP. DO YOU
22 REMEMBER TESTIFYING ABOUT THAT AT THE LAST HEARING?

23 A I DO.

24 Q WAS THERE A K-9 SEARCH THAT WAS DONE AT THAT
25 LOCATION?

1 A THERE WAS.

2 Q ALTHOUGH NOTHING WAS RECOVERED, DID THE K-9 PROVIDE A
3 POSITIVE INDICATION?

4 A YES, IN THE PARTICULAR AREA OF THE OFFICE AREA IN
5 WHICH MR. WRIGHT USED THERE OF THE BUSINESS.

6 Q AND SPECIFICALLY ON THE LOCATION WHERE THE K-9
7 INDICATED, WHERE WAS THAT LOCATED IN THE DEALERSHIP?

8 A IT WAS AROUND THE DESK AREA THERE THAT MR. WRIGHT
9 USED.

10 Q MR. VENABLE ALSO INDICATED JUST A MINUTE AGO THAT THE
11 DEFENDANT WORKED WITH HIS BROTHER. ARE YOU FAMILIAR WITH
12 THE IDENTITY OF HIS BROTHER?

13 A YES.

14 Q CAN YOU IDENTIFY THAT INDIVIDUAL FOR THE COURT?

15 A HE IS SITTING BACK IN THE AUDIENCE HERE, THE SHAVED
16 HEAD FELLOW WITH THE POLO SHIRT.

17 Q DOES HE HAVE A FEDERAL CONVICTION FOR NARCOTICS
18 TRAFFICKING?

19 A HE DOES.

20 Q WAS HE ON SUPERVISED RELEASE UNTIL ABOUT 2010 OR
21 2011?

22 A THAT'S CORRECT.

23 Q HE IS NO LONGER ON SUPERVISED RELEASE?

24 A THAT'S CORRECT.

25 Q HE AND HIS BROTHER ARE PARTNERS IN THAT AUTO

1 DEALERSHIP; IS THAT CORRECT?

2 A YES.

3 Q ARE THERE ANY OTHER PARTNERS IN THAT BUSINESS?

4 A I BELIEVE HIS WIFE IS ALSO ON THE BUSINESS LICENSE AS
5 WELL, HIS EX-WIFE.

6 Q DO YOU KNOW -- IF YOU DON'T KNOW, IT'S FINE -- ARE
7 THEY STILL MARRIED?

8 A I AM NOT 100 PERCENT SURE IF THEY ARE DIVORCED, IF
9 IT'S FINAL.

10 Q THAT IS NOT THE FEMALE THAT WAS BROUGHT FORWARD AS
11 THE POTENTIAL THIRD PARTY CUSTODIAN AT THE LAST HEARING?

12 A THAT'S CORRECT.

13 Q AND YOU ARE ALSO FAMILIAR WITH MULTIPLE -- IN EXCESS
14 OF 15, PERHAPS IN EXCESS OF 20, RENTAL PROPERTIES
15 INVOLVED WITH THE DEFENDANT?

16 A YES.

17 MR. EVANS: NOTHING FURTHER.

18 THE COURT: ANYTHING ELSE?

19 MR. VENABLE: NO FURTHER.

20 THE COURT: THANK YOU, AGENT. PLEASE WATCH
21 YOUR STEP.

22 ANY OTHER EVIDENCE FROM THE GOVERNMENT?

23 MR. EVANS: NO, YOUR HONOR. THAT IS THE
24 EVIDENCE OF THE GOVERNMENT.

25 THE COURT: THANK YOU. ANY EVIDENCE FROM THE

1 DEFENSE?

2 MR. VENABLE: YES, YOUR HONOR. WE WOULD CALL
3 MS. ANNETTE DAVIS, YOUR HONOR.

4 ANNETTE MICHELLE DAVIS, CALLED
5 AS A WITNESS, HAVING BEEN FIRST DULY SWORN,
ON HER OATH, TESTIFIED AS FOLLOWS:

6 THE COURT: YOU MAY EXAMINE THE WITNESS.

7 MR. VENABLE: THANK YOU, YOUR HONOR.

8 DIRECT EXAMINATION BY MR. VENABLE:

9 Q GOOD MORNING, MR. DAVIS.

10 A GOOD MORNING.

11 Q WOULD YOU JUST STATE YOUR FULL NAME FOR THE COURT
12 REPORTER AND THE COURT.

13 A ANNETTE MICHELLE DAVIS.

14 Q WHERE DO YOU LIVE, MS. DAVIS?

15 A 133 RED BARN LANE, ROCKY MOUNT, NORTH CAROLINA.

16 Q DO YOU OWN THAT HOME OR RENT THAT HOME?

17 A I RENT IT.

18 Q WHO ELSE LIVES IN THAT HOME?

19 A JEFFREY WRIGHT.

20 Q ANYBODY ELSE?

21 A NO.

22 Q AND WHAT IS YOUR RELATION TO MR. WRIGHT?

23 A HIS GIRLFRIEND.

24 Q AND HOW LONG HAVE YOU ALL BEEN IN A RELATIONSHIP?

25 A WE HAVE BEEN KNOWING EACH FOR EIGHT, BUT LIVING

1 TOGETHER FOR THREE.

2 Q AND DO YOU WORK, MS. DAVIS?

3 A YES, SIR.

4 Q WHERE DO YOU WORK?

5 A FRENSENIUS MEDICAL. IT'S A DIALYSIS CENTER
6 RESPONSIBLE FOR STICKING NEEDLES, MAKINGS ROUNDS AND
7 CHARTS AND DOING LABS AND MAKING SURE MY PATIENTS GET ON
8 THE TRANSPLANT REFERRAL FOR TRANSPLANTS.

9 Q WHAT IS YOUR TYPICAL WORK HOURS DURING THE REGULAR
10 WEEK?

11 A MONDAY THROUGH FRIDAY FROM 7:30 TO 4:00 OR 4:30.

12 Q WHERE IS FRENSENIUS MEDICAL?

13 A 750 ENGLISH ROAD IN ROCKY MOUNT.

14 Q HOW FAR, APPROXIMATELY, IS THAT FROM YOUR HOUSE?

15 A TEN MINUTES.

16 Q HOW LONG HAVE YOU WORKED FOR FRENSENIUS MEDICAL?

17 A NINE AND A HALF YEARS.

18 Q OTHER THAN THE TIMES WHEN YOU ARE AT WORK AT
19 FRENSENIUS MEDICAL, ARE YOU OTHERWISE GENERALLY AROUND
20 THE HOUSE?

21 A YES, SIR.

22 Q NOT GONE EVERY WEEKEND OR YOU DON'T HAVE AN EVENING
23 JOB?

24 A NO, SIR.

25 Q DO YOU CURRENTLY HAVE A LAND TELEPHONE LINE?

1 A NOT NOW; NO, SIR.

2 Q WOULD YOU BE ABLE AND WILLING TO INSTALL A LAND
3 TELEPHONE LINE IF IT WAS NECESSARY?

4 A YES, SIR.

5 Q ALL RIGHT. YOU AND I HAVE TALKED ABOUT THE POTENTIAL
6 OF YOU BEING A THIRD PARTY CUSTODIAN AND WHAT THAT WOULD
7 MEAN?

8 A YES, SIR.

9 Q AND DO YOU UNDERSTAND THAT IF THE COURT WERE TO ALLOW
10 YOU TO ACT AS A THIRD PARTY CUSTODIAN, YOU WOULD BE
11 OBLIGATED TO INFORM THE COURT IF MR. WRIGHT GOT IN
12 FURTHER TROUBLE. DO YOU UNDERSTAND THAT?

13 A YES, SIR.

14 Q YOU ARE WILLING TO DO THAT?

15 A YES, SIR.

16 Q SAME THING IF MR. WRIGHT RAN OFF. YOU WOULD BE
17 OBLIGATED TO CALL THE POLICE. DO YOU UNDERSTAND THAT?

18 A YES, SIR.

19 Q ARE YOU WILLING TO DO THAT?

20 A YES, SIR.

21 Q ARE THERE ANY FIREARMS IN YOUR HOME?

22 A NO.

23 Q ARE THERE ANY ILLEGAL SUBSTANCES?

24 A NO, SIR.

25 Q YOU ARE FAMILIAR WITH MR. WRIGHT'S BUSINESS,

1 OBVIOUSLY, I ASSUME?

2 A YES, SIR.

3 Q YOU HEARD PRIOR TESTIMONY ABOUT THE AUTO LOT.

4 YOU ARE FAMILIAR WITH THAT?

5 A YES, SIR.

6 Q YOU ARE FAMILIAR WITH RENTAL PROPERTIES?

7 A YES, SIR.

8 Q ARE YOU FAMILIAR WITH MR. WRIGHT BEING A LICENSED

9 BAIL BONDSMAN?

10 A YES, SIR.

11 Q DURING THE COURSE OF HIS BAIL BONDING BUSINESS, HAVE

12 YOU KNOWN MR. WRIGHT TO CARRY A FIREARM?

13 A YES, SIR.

14 Q AND WHAT WAS YOUR UNDERSTANDING OF WHAT THE PURPOSE

15 OF THAT FIREARM WAS?

16 A BECAUSE OF HIS BUSINESS, HIS JOB, BAIL BONDING.

17 Q HAVE YOU EVER KNOWN HIM TO USE THE FIREARM AGAINST AN

18 INDIVIDUAL?

19 A NO, SIR.

20 Q HAVE YOU EVER HEARD OF ANY INSTANCE OF HIM USING A

21 FIREARM?

22 A NO, SIR.

23 Q MR. WRIGHT WAS ORIGINALLY ARRESTED ON FEBRUARY 11 AND

24 CHARGED IN STATE COURT IN PITT COUNTY; CORRECT?

25 A YES, SIR.

1 Q DO YOU KNOW ABOUT HOW LONG HE STAYED IN STATE COURT
2 CUSTODY?

3 A HE WAS RELEASED ON APRIL 25, 2013.

4 Q SO HE WAS IN ABOUT TWO MONTHS THEN?

5 A YES.

6 Q ROUGHLY?

7 A YES.

8 Q WHERE DID HE -- DID MR. WRIGHT GO TO WHEN HE WAS
9 RELEASED BACK AT 133 RED BARN LANE? BACK TO THE HOUSE
10 YOU AND HE SHARED?

11 A YES, SIR.

12 Q HOW LONG WAS MR. WRIGHT OUT BEFORE HE WAS ARRESTED
13 AGAIN ON THE FEDERAL CHARGES?

14 A THE EXACT DATE? WHAT IS IT? IT WAS LIKE -- IT WAS
15 LIKE JUNE. IT WAS AROUND JUNE 16, 17, SOMEWHERE.

16 Q SO A MONTH AND A HALF OR TWO MONTHS?

17 A YES.

18 Q DURING THAT TIME PERIOD, WHERE WAS MR. WRIGHT?

19 A AT HOME.

20 Q SO HE RETURNED HOME AND LIVED WITH YOU; CORRECT?

21 A YES.

22 Q AND WHEN HE LEFT, HE WAS WORKING AT THE GREENVILLE
23 AUTO LOT?

24 A YES.

25 Q DO YOU KNOW WHERE MR. WRIGHT WAS ARRESTED WHEN HE WAS

1 PICKED UP AND ARRESTED BY THE FEDERAL AGENTS?

2 A YES, SIR.

3 Q WHERE?

4 A AT GREENVILLE AUTO SALES IN GREENVILLE.

5 Q AND DO YOU KNOW MR. WRIGHT'S FAMILY, HIS IMMEDIATE
6 BROTHERS AND FAMILY?

7 A YES, SIR.

8 Q WHERE ARE THEY LOCATED?

9 A IN GREENVILLE.

10 Q AND DOES MR. WRIGHT HAVE CHILDREN?

11 A YES, SIR.

12 Q HOW OLD ARE THEY?

13 A HE HAS ONE, I WANT TO SAY, ABOUT 13 OR 14. HE HAD
14 ONE, LIKE BRANDON, I THINK, IS IN HIS 20'S. HE IS LIKE
15 24. AND THE YOUNGEST ONE IS LIKE, I WANT TO SAY, AROUND
16 10 OR SO.

17 Q WHERE ARE THE YOUNGER ONES?

18 A THEY LIVE WITH THEIR MOTHER.

19 Q IN GREENVILLE?

20 A GREENVILLE.

21 MR. VENABLE: MAY I HAVE JUST ONE MOMENT?

22 THE COURT: YOU MAY.

23 MR. VENABLE: THANK YOU, MS. DAVIS. NOTHING
24 FURTHER.

25 THE COURT: ANY CROSS-EXAMINATION?

1 MR. EVANS: YES, YOUR HONOR. BRIEFLY.

2 THANK YOU.

3 CROSS-EXAMINATION BY MR. EVANS:

4 Q MS. DAVIS, GOOD MORNING, AGAIN.

5 A GOOD MORNING.

6 Q YOU TESTIFIED A MINUTE AGO THAT YOU AND THE
7 DEFENDANT, PRIOR TO HIS ARREST ON FEDERAL, WERE LIVING AT
8 133 RED BARN LANE IN ROCKY MOUNT; IS THAT CORRECT?

9 A YES, SIR.

10 Q WHO OWNS THAT HOUSE?

11 A JEFFREY WRIGHT.

12 Q THAT IS HIS HOUSE?

13 A YES, SIR.

14 Q YOU INDICATED THAT YOU PAY RENT THERE; IS THAT
15 CORRECT?

16 A I DO PAY PART OF THE BILLS.

17 Q YOU DON'T PAY RENT; DO YOU?

18 A NO.

19 Q WHAT BILLS DO YOU PAY?

20 A I AM RESPONSIBLE FOR THE UTILITIES.

21 Q ARE THOSE IN YOUR NAME OR IN --

22 A NO, THEY ARE HIS.

23 Q HOW LONG HAVE YOU LIVED THERE AT THE RED BARN LANE
24 ADDRESS?

25 A GOING ON TWO YEARS.

1 Q YOU INDICATED A FEW MINUTES AGO THAT YOU AND THE
2 DEFENDANT HAD LIVED TOGETHER FOR THREE YEARS?

3 A UM-HUM.

4 Q WHERE DID YOU LIVE PRIOR TO THAT?

5 A 1228 CENTIPEDE DRIVE IN ROCKY MOUNT.

6 Q WHO OWNED THAT HOUSE?

7 A JEFFREY WRIGHT.

8 Q AND WAS THAT A SIMILAR ARRANGEMENT THERE THAT YOU
9 STAYED THERE AND PAID SOME OF THE BILLS, BUT DIDN'T YOU
10 PAY RENT?

11 A I PAID RENT THERE.

12 Q HOW MUCH DID HE CHARGE YOU FOR RENT THERE?

13 A IT WAS LIKE 750.

14 Q 750. AND DURING THE THREE YEARS THAT YOU AND THE
15 DEFENDANT HAVE LIVED TOGETHER, HAS ANYONE ELSE LIVED WITH
16 YOU?

17 A MY SON, BUT THEN HE GRADUATED.

18 Q DOES HE STILL LIVE IN THE AREA OR HAS HE MOVED
19 ELSEWHERE?

20 A MY SON?

21 Q YES.

22 A THEY MOVED ELSEWHERE.

23 Q AND -- BUT WAS HE A MINOR AT THE TIME HE LIVED WITH
24 YOU?

25 A YES.

1 Q YOU INDICATED THAT YOU HAVE KNOWN THE DEFENDANT FOR
2 EIGHT YEARS; IS THAT CORRECT?

3 A YES, SIR.

4 Q HAVE YOU BEEN IN A DATING RELATIONSHIP WITH HIM FOR
5 THAT AMOUNT OF TIME?

6 A NOT FOR THE WHOLE EIGHT YEARS.

7 Q HOW DID YOU MEET?

8 A WE WAS AT A RACE.

9 Q WHAT KIND OF RACE; LIKE A NASCAR RACE?

10 A YES.

11 Q IN CHARLOTTE OR --

12 A WE WAS IN ROXBORO.

13 Q YOU INDICATED THAT YOU HAD WORKED AT THE SAME JOB FOR
14 THE PAST NINE AND A HALF YEARS?

15 A YES.

16 Q IF I PRONOUNCE IT WRONG, FORGIVE ME. FRENSENIUS.
17 AND YOU WORK WITH DIALYSIS PATIENTS THERE; IS THAT
18 CORRECT?

19 A YES, SIR.

20 Q YOU INDICATED THAT YOU DON'T CURRENTLY HAVE A LAND
21 LINE; IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q YOU HAVE INDICATED THAT YOU ARE WILLING TO SERVE AS A
24 THIRD PARTY CUSTODIAN; IS THAT ALSO CORRECT?

25 A YES.

1 Q LET ME TALK TO YOU FOR A MINUTE. THE LAST TIME YOU
2 TESTIFIED, YOU INDICATED THAT IT WAS QUITE COMMON FOR THE
3 DEFENDANT TO CARRY A GUN?

4 A IT WAS WHAT?

5 Q COMMON FOR THE DEFENDANT TO CARRY A GUN?

6 A YES.

7 Q IN FACT, DID YOU PRETTY MUCH TELL THAT HE ALMOST
8 ALWAYS CARRIED A GUN WITH HIM?

9 A HE ALWAYS HAD ONE IN HIS CAR.

10 Q BUT IT'S YOUR TESTIMONY HERE TODAY THAT THERE AREN'T
11 ANY FIREARMS IN HIS HOUSE THAT YOU CURRENTLY LIVE AT?

12 A NO, THERE IS NONE IN THERE.

13 Q YOU ALSO TESTIFIED THAT IF DURING THE DAY WHEN YOU
14 WEREN'T THERE, HE WOULD BE AT WORK?

15 A YES, SIR.

16 Q IS THAT CORRECT?

17 A YES, SIR.

18 Q YOU INDICATED THAT HE WOULD BE AT THE AUTO
19 DEALERSHIP?

20 A YES.

21 Q THE LAST TIME YOU TESTIFIED, YOU INDICATED THAT HE
22 WORKED THERE WITH HIS BROTHER KEVIN; IS THAT CORRECT?

23 A YES, SIR.

24 Q IN THE EIGHT YEARS YOU HAVE KNOWN THE DEFENDANT, HAVE
25 YOU EVER KNOWN HIM TO USE DRUGS?

1 A NO, SIR.

2 Q NEVER KNOWN HIM TO SMOKE MARIJUANA?

3 A NO, SIR.

4 Q NEVER KNOWN HIM TO SELL COCAINE?

5 A NO, SIR.

6 Q NEVER OVERHEARD HIM HAVE A CONVERSATION WITH ANYBODY
7 ABOUT SELLING DRUGS?

8 A NO, SIR.

9 Q DO YOU KNOW HIS BROTHER KEVIN WRIGHT? DO YOU KNOW
10 HIM WELL?

11 A YES, SIR.

12 Q WERE YOU AWARE THAT HE HAS SERVED TIME FOR A FEDERAL
13 NARCOTICS TRAFFICKING VIOLATIONS?

14 A YES, SIR.

15 Q HOW LONG HAVE THEY OWNED THAT CAR DEALERSHIP
16 TOGETHER; DO YOU KNOW?

17 A HIM AND HIS BROTHER KEVIN GOT EMPLOYED AFTER HE GOT
18 OUT, SO IT HAS BEEN ABOUT FOUR, MAYBE FIVE YEARS.

19 Q IT'S AFTER KEVIN GOT OUT OF CUSTODY, THAT IS WHEN
20 THEY BOUGHT THE CAR DEALERSHIP?

21 A JEFFREY ALREADY HAD IT.

22 Q AND KEVIN BOUGHT INTO IT?

23 A HE GOT ON BOARD. I KNOW HE HIRED HIM AS AN EMPLOYEE
24 THEN.

25 Q HOW LONG HAS THE DEFENDANT BEEN A BAIL BONDSMAN;

1 DO YOU KNOW?

2 A EVER SINCE I HAVE BEEN KNOWING HIM AND I KNOW WE HAD
3 TALKED ABOUT IT BECAUSE IT HAD BEEN ABOUT 17 OR 18 YEARS.

4 Q LAST TIME YOU TESTIFIED, I ASKED YOU SOME QUESTIONS
5 ABOUT THE RENTAL PROPERTIES THAT HE OWNED AND THERE WERE
6 OVER 20 OF THEM. DO YOU RECALL THAT?

7 AND AT THAT TIME, YOU WEREN'T FAMILIAR WITH ALL
8 THOSE PROPERTIES. IS THAT FAIR TO SAY THAT YOU DIDN'T
9 KNOW ABOUT ALL THE DIFFERENT PLACES THAT HE OWNED?

10 A CORRECT.

11 Q BUT YOU DO KNOW ABOUT THE TWO THAT YOU HAVE LIVED AT;
12 CORRECT?

13 A YES, SIR.

14 Q AND THE ONE THAT HIS EX-WIFE OR SEPARATED WIFE AND
15 THE KIDS LIVE AT?

16 A THAT'S CORRECT.

17 Q HOW MANY OTHER RENTAL PROPERTIES DO YOU KNOW ABOUT OR
18 DID YOU KNOW ABOUT?

19 A I KNOW ABOUT ONE ON BERMUDA, THE TWO ON CENTIPEDE --
20 WELL, THREE ON CENTIPEDE, ONE ON BERMUDA. NOW, THOSE ARE
21 ROCKY MOUNT. BUT THE ONES IN GREENVILLE, I AM NOT REALLY
22 FAMILIAR WITH THE ONES IN GREENVILLE.

23 MR. EVANS: CAN I HAVE JUST A MOMENT, YOUR
24 HONOR?

25 THE COURT: YOU MAY.

1 MR. EVANS: NOTHING FURTHER, YOUR HONOR.
2 THANK YOU.

3 THE COURT: ANYTHING ELSE, MR. VENABLE?

4 MR. VENABLE: BRIEFLY.

5 REDIRECT EXAMINATION BY MR. VENABLE:

6 Q MS. DAVIS, THE RENTAL PROPERTY BUSINESS THAT MR.
7 WRIGHT RUNS OR OWNS, ARE YOU INVOLVED IN THE -- IN THAT
8 AT ALL?

9 A NO MORE THAN I HELP PAINT THEM AND CLEAN THEM.

10 Q DO YOU KNOW WHO MR. WRIGHT'S PARTNER IS IN THAT
11 BUSINESS?

12 A YES.

13 Q WHO IS THAT?

14 A HIS WIFE.

15 A TANYA WRIGHT?

16 A YES.

17 Q WHO HANDLES MOST OF THE DAY-TO-DAY OR ADMINISTRATIVE?

18 A TANYA.

19 Q AND THEN THE -- YOUR HOUSE AT RED BARN LANE IS ONE OF
20 THE HOMES SEARCHED BY LAW ENFORCEMENT OFFICERS; CORRECT?

21 A CORRECT.

22 Q AND, I GUESS, DID OFFICERS SEARCH FOR FIREARMS AT
23 THAT TIME?

24 A YES.

25 Q DID THEY REMOVE ANY FIREARMS THAT WERE IN THE HOUSE?

1 A YES, SIR.

2 MR. VENABLE: THAT'S ALL. NOTHING FURTHER.
3 THANK YOU.

4 THE COURT: THANK YOU. ANYTHING ELSE?

5 MR. EVANS: NO, YOUR HONOR. THANK YOU.

6 THE COURT: MS. DAVIS, PLEASE WATCH YOUR STEP
7 STEPPING DOWN.

8 ALL RIGHT. ANY OTHER EVIDENCE FROM THE
9 DEFENSE?

10 MR. VENABLE: NOTHING FURTHER FOR MR. WRIGHT.

11 THE COURT: ALL RIGHT. I WILL HEAR ARGUMENT
12 FROM MR. EVANS AND THEN I WILL HEAR FROM MR. VENABLE.

13 MR. EVANS: YOUR HONOR, THE GOVERNMENT'S
14 ARGUMENT IS MUCH THE SAME AS IT WAS PREVIOUSLY AT THE
15 MAGISTRATE LEVEL. THE GOVERNMENT'S PRIMARY CONCERN --
16 THE EVIDENCE IN THIS CASE FROM THE GOVERNMENT'S
17 PERSPECTIVE IS QUITE STRONG.

18 THERE WERE RECORDED MEETINGS, RECORDED
19 CONVERSATIONS MADE IN WHICH THE DEFENDANT AND THE
20 CONFIDENTIAL SOURCE DISCUSSED THE DEFENDANT AND ACQUIRING
21 A SIGNIFICANT QUANTITY OF COCAINE, THAT BEING A KILOGRAM
22 OF COCAINE.

23 THE TRANSACTION IS WELL DOCUMENTED. THERE
24 WERE MULTIPLE AGENTS THERE AT THE TIME IT OCCURRED AT THE
25 HOOTER'S PARKING LOT. THERE WERE MULTIPLE WITNESSES THAT

1 OBSERVED IT.

2 FOLLOWING THAT, THE CONFIDENTIAL SOURCE AND
3 THE DEFENDANT HAD A MEAL AT THAT RESTAURANT, CONTINUED TO
4 TALK ABOUT DRUG TRANSACTIONS. AFTERWARDS, THEY WERE BOTH
5 TAKEN DOWN.

6 WHAT CONCERNS THE GOVERNMENT FOREMOST ABOUT IT
7 IS THAT THE DEFENDANT BROUGHT A LOADED FIREARM TO THE
8 DRUG TRANSACTION THAT WAS LOCATED WITHIN FEET OF WHERE
9 THE COCAINE WAS STORED IN HIS CAR AFTER HE TOOK IT OUT OF
10 HIS PANTS AND PLACED IT IN THE VEHICLE PRIOR TO GOING
11 INTO THE RESTAURANT.

12 THE DEFENDANT'S GUN WAS LOADED AND WAS IN A
13 LOCATION WHERE HE WOULD HAVE EASY ACCESS TO IT SHOULD
14 THAT COME UP.

15 YOUR HONOR, JUDGE GATES NOTED THIS AT THE
16 PREVIOUS HEARING. THIS IS AN INDIVIDUAL WHO HAS
17 SIGNIFICANT ASSETS, SIGNIFICANT RENTAL PROPERTIES AND
18 INTEREST IN A BUSINESS AND AUTOMOTIVE DEALERSHIP, AND
19 ALSO A BAIL BONDSMAN, AND SOMEONE WHO IS PARTICIPATING IN
20 A TRANSACTION INVOLVING A KILOGRAM OF COCAINE IN WHICH
21 THAT AMOUNT OF DRUGS IS FRONTED TO SOMEBODY.

22 THEY HAVE TO HAVE A WAY OF GETTING RID OF
23 THAT. THEY HAVE TO BE CONNECTED TO THE DRUG TRANSACTION
24 BUSINESS. YOU ARE NOT GOING TO ORDER UP A SIGNIFICANT
25 AMOUNT OF COCAINE UNLESS YOU HAVE OTHER PEOPLE TO SELL IT

1 TO AT A PROFIT, PRESUMABLY.

2 JUDGE GATES STATED WHEN RENDERING HIS DECISION
3 THAT THIS IS SOMEBODY WHO DESPITE ALL APPEARANCES OF
4 HAVING ALL THESE PROFITABLE, LEGITIMATE BUSINESSES, WAS
5 WILLING TO TAKE THAT CHANCE AND DEAL IN THOSE DRUGS.

6 AND BASED ON THAT, HE FOUND THAT THERE WAS A
7 DANGER TO SOCIETY THAT IS PRESENT THERE.

8 I AM GOING TO TAKE THAT A STEP FURTHER, YOUR
9 HONOR. YOU HEARD DEFENSE COUNSEL INDICATE THAT THEY
10 BELIEVE THEY HAVE IDENTIFIED THE PERSON WHO SERVED AS
11 POTENTIALLY AS THE CONFIDENTIAL SOURCE IN THIS CASE. HE
12 ASKED THE AGENT ON THE STAND IF IT WAS A SPECIFIC
13 INDIVIDUAL. THE AGENT INDICATED HE DIDN'T HAVE THAT
14 INFORMATION AS HE WASN'T INVOLVED IN THAT PART OF THE
15 CASE. BUT IT APPEARS TO THE GOVERNMENT, YOUR HONOR, THAT
16 THEY POSSIBLY HAVE IDENTIFIED THIS INDIVIDUAL.

17 I THINK THERE IS A RISK INHERENT IN THAT AND
18 THERE IS ALSO INHERENT DANGEROUSNESS IN THE AMOUNT OF
19 DRUGS THAT WERE -- THAT CHANGED HANDS IN THIS
20 TRANSACTION.

21 IN ADDITION TO THAT, YOUR HONOR, I THINK YOU
22 CAN CONSIDER THE HISTORICAL INFORMATION. ALBEIT, IT DOES
23 HAVE SOME AGE, THERE ARE MULTIPLE SOURCES WHO IDENTIFIED
24 THIS DEFENDANT AS SOMEBODY WHO TRAFFICKS COCAINE AT THE
25 KILOGRAM LEVEL OR GREATER.

1 FOR THOSE REASONS, YOUR HONOR, IT'S THE
2 GOVERNMENT'S POSITION THAT MR. WRIGHT REMAINS A DANGER TO
3 SOCIETY AND SHOULD BE DETAINED UNTIL THE CONCLUSION OF
4 THIS FEDERAL MATTER. THANK YOU.

5 THE COURT: THANK YOU. MR. VENABLE.

6 MR. VENABLE: THANK YOU, YOUR HONOR.

7 YOUR HONOR, WE SUBMIT TO YOU THAT ESSENTIALLY
8 WHAT YOU HAVE IS YOU HAVE A CONFIDENTIAL INFORMANT WHO
9 HAS KNOWN MR. WRIGHT FOR A LONG TIME, SO I DON'T THINK
10 IT'S ANY BIG DEAL THAT HE KNOWS THE NAME OR KNOWS WHO IT
11 IS THAT WENT ON A FISHING EXPEDITION AND WENT TO TALK TO
12 MR. WRIGHT AND TOOK MR. WRIGHT INTO SELLING DRUGS, AND IT
13 TURNED INTO A REVERSE THAT THEY WERE GOING TO SUPPLY
14 DRUGS.

15 AND INTERESTING ENOUGH, THERE WAS NO MONEY
16 COLLECTED. THEY WERE SO ANXIOUS TO DO IT, THEY GAVE THE
17 COCAINE WITHOUT COLLECTING MONEY OR TALKING ABOUT THAT OR
18 ANYTHING.

19 BUT GOING BACK TO MR. WRIGHT PERSONALLY, HE IS
20 44 YEARS OLD. HE HAS NO PRIOR CRIMINAL RECORD. HE WAS
21 HONORABLY DISCHARGED FROM THE UNITED STATES MARINE CORPS.
22 HE IS HARD WORKING. HE RUNS THREE DIFFERENT BUSINESSES:
23 THE AUTO SALES BUSINESS, THE RENTAL BUSINESS AND THE BAIL
24 BONDING BUSINESS. HIS FAMILY IS IN THE AREA.

25 THERE IS, YOU KNOW, UNTIL WE COME UPON THIS,

1 HE IS IN GOOD SHAPE. THERE IS SOME HISTORICAL
2 INFORMATION OUT THERE, BUT AGAIN, ALL THAT INFORMATION,
3 WE KNOW FROM THE TESTIMONY INDICATES IT WAS SOME SEVEN TO
4 TEN YEARS OLD. THERE IS NO INDICATION THAT THERE WAS ANY
5 CURRENT ACTIVITY OTHER THAN THIS LONG TIME ACQUAINTANCE
6 COMING UP TO HIM AND ARRANGING THIS INSTANCE.

7 THE FIREARM, I WOULD REPRESENT TO YOU, IS NOT
8 RELATED, OR SUBMIT TO YOU WAS NOT RELATED TO THIS
9 OFFENSE. IT'S IN THE CAR. MS. DAVIS TESTIFIED HE ALWAYS
10 CARRIED ONE IN THE CAR RELATING TO THE BAIL BONDING
11 BUSINESS. THERE IS NO TESTIMONY THAT THE FIREARM -- THAT
12 MR. WRIGHT EVER HAD THE FIREARM ON HIM PERSONALLY WHEN HE
13 WAS DEALING WITH THE CONFIDENTIAL INFORMANT, BE IT AT THE
14 CAR LOT OR AT THE HOOTER'S. NO INFORMATION HE TOOK IT
15 INTO THERE, INTO THE HOOTER'S RESTAURANT AT THAT TIME.

16 IT'S SIMPLY INCIDENTAL TO THE BAIL
17 BONDING BUSINESS. BUT I WOULD RESPECTFULLY SUBMIT THAT
18 DOESN'T INDICATE DANGEROUSNESS WITH RESPECT TO THIS.

19 YOU HEARD FROM MS. DAVIS. SHE IS A HARD
20 WORKING LADY HERSELF. THEY LIVED TOGETHER FOR THREE
21 YEARS. THEY HAVE A RESIDENCE THAT MR. WRIGHT CAN RETURN
22 TO. THEY ARE WILLING TO INSTALL A LAND LINE, WHICH I
23 SUBMIT YOUR HONOR COULD USE IF YOUR HONOR WANTED TO
24 IMPOSE ELECTRONIC HOUSE ARREST AS PART OF THIS SYSTEM.

25 AND I WILL TELL YOU, MR. WRIGHT HAD A

1 SUGGESTION IN TERMS OF HE IS WILLING TO HAVE ADT OR SOME
2 OTHER COMPANY COME OUT AND INSTALL A SYSTEM AND A
3 PROBATION OFFICER PROVIDED WITH WHATEVER CODES THEY WOULD
4 NEED TO MAKE SURE HE IS STILL IN THE HOUSE. THAT IS
5 SOMETHING I NEVER ENCOUNTERED, BUT FOUND IT INTERESTING
6 THAT IT'S ONE THEY ARE WILLING TO DO.

7 I WOULD SUGGEST TO YOUR HONOR THAT HE IS NOT A
8 FLIGHT RISK. HIS FAMILY IS HERE. ALL HIS PROPERTY IS
9 HERE. ALL HIS PROPERTIES ARE HERE.

10 THERE IS SIMPLY NO HISTORY OF ANY VIOLENCE OR
11 ANY DANGER. I WOULD SUBMIT TO YOUR HONOR THAT THERE ARE
12 CONDITIONS THAT COULD BE SET THAT ALLOW HIM TO BE
13 RELEASED THAT WOULD ENSURE -- CERTAINLY THERE IS NO OTHER
14 FUTURE CONDUCT OR SIMILAR CONDUCT THAT WOULD ENSURE THE
15 SAFETY OF THE COMMUNITY AND OTHERS.

16 THE COURT: THANK YOU. ALL RIGHT. THE COURT
17 HAS CONSIDERED THE ENTIRE RECORD. THE COURT HAS
18 CONSIDERED THE TESTIMONY OF AGENT HOWARD AND MS. DAVIS.
19 UNDER 18 U.S.C. SECTION 3142(G) THE COURT IS TO CONSIDER
20 WHETHER THE GOVERNMENT HAS MET ITS BURDEN THAT THE
21 DEFENDANT WILL ENDANGER THE SAFETY OF OTHER PERSONS OR
22 THE COMMUNITY. THE GOVERNMENT'S ARGUMENT DID NOT FOCUS
23 ON THE RISK OF NON-APPEARANCE.

24 JUDGE GATES' DETENTION ORDER FOCUSED ON DANGER
25 TO THE COMMUNITY. THE COURT WILL FOCUS ON THAT. THE

1 FACTORS TO CONSIDER INCLUDE THE NATURE AND CIRCUMSTANCES
2 OF THE OFFENSE, INCLUDING WHETHER THE OFFENSE IS A CRIME
3 OF VIOLENCE OR INVOLVES A NARCOTIC DRUG, THE WEIGHT OF
4 THE EVIDENCE AGAINST THE PERSON, THE HISTORY AND
5 CHARACTERISTICS OF THE PERSON, INCLUDING THE PERSON'S
6 CHARACTER, FAMILY TIES AND EMPLOYMENT, COMMUNITY HISTORY
7 RELATING TO DRUG AND ALCOHOL ABUSE, CRIMINAL HISTORY
8 RECORD CONCERNING COURT APPEARANCES, WHETHER OR NOT AT
9 THE TIME OF THE OFFENSE THE PERSON WAS ON PROBATION OR
10 PAROLE OR OTHER RELEASE, THE NATURE AND SERIOUSNESS OF
11 THE DANGER TO ANY PERSON OR THE COMMUNITY POSED BY THE
12 PERSON'S RELEASE.

13 THE DEFENDANT WAS INDICTED FEDERALLY ON JUNE
14 4, 2013, CHARGED WITH POSSESSION WITH INTENT TO
15 DISTRIBUTE 500 GRAMS OR MORE OF COCAINE IN COUNT 1.
16 COUNT 2 CHARGES THAT ON OR ABOUT FEBRUARY 11, 2013, IN
17 THE EASTERN DISTRICT OF NORTH CAROLINA, THE DEFENDANT DID
18 KNOWINGLY POSSESS A FIREARM IN FURTHERANCE OF A DRUG
19 TRAFFICKING CRIME FOR WHICH HE MAY BE PROSECUTED IN A
20 COURT OF THE UNITED STATES AS ALLEGED IN COUNT 1 IN
21 VIOLATION OF 18 U.S.C. SECTION 924(C)(1)(A).

22 THE CHARGED OFFENSE IN COUNT 1 CREATES A
23 REBUTTABLE PRESUMPTION.

24 THE COURT DOES FIND THAT THE WEIGHT OF THE
25 EVIDENCE AGAINST MR. WRIGHT CERTAINLY, I THINK, CLEARLY

1 AS TO COUNT 1 IS VERY STRONG. THERE WAS A RECORDED
2 TELEPHONE CONVERSATION WITH A CONFIDENTIAL SOURCE ABOUT
3 THE KILOGRAM OF POWDER COCAINE TO THE DEFENDANT FOR
4 DISTRIBUTION. THE COCAINE WAS TO BE FRONTED. THAT IS,
5 TO BE NOT PAID FOR BY THE DEFENDANT AT THE TIME OF THE
6 DELIVERY, BUT OUT OF THE PROCEEDS OF THE SALE.

7 THE DEFENDANT AND THIS WITNESS AS WITNESSED BY
8 LAW ENFORCEMENT AND AS RECORDED, AS I UNDERSTAND THE
9 TESTIMONY, RECEIVED THE COCAINE IN THE HOOTER'S PARKING
10 LOT, PUT THE COCAINE IN HIS WAISTBAND, WENT TO HIS CAR,
11 PUT IT UNDER HIS SEAT. LOCKED THE CAR. THE TWO THEN
12 WENT INTO THE RESTAURANT AND ATE.

13 AGAIN, THESE CONVERSATIONS CONTINUED TO BE
14 RECORDED. BOTH WERE DETAINED AFTER EXITING THE
15 RESTAURANT. THERE WAS A LOADED HANDGUN IN THE FRONT SEAT
16 OF HIS CAR, NEAR WHERE HE PLACED THE COCAINE. THE
17 KILOGRAM OF COCAINE HAD A LARGE STREET VALUE.

18 THERE IS HISTORICAL INFORMATION FROM THE
19 CONFIDENTIAL SOURCE AND OTHERS THAT THE DEFENDANT HAS
20 BEEN INVOLVED IN TRAFFICKING COCAINE, ALBEIT THE
21 INFORMATION RELATES TO CONDUCT THAT TOOK PLACE SOME YEARS
22 AGO.

23 THE DEFENDANT WAS A BAIL BONDSMAN AT THE TIME
24 OF THE TRANSACTION, AND ACCORDING TO THE TESTIMONY FROM
25 MS. DAVIS, CARRIED A WEAPON AS A RESULT OF HIS DUTIES AS

1 A BAIL BONDSMAN.

2 THE COURT DOES THINK THAT THE PRESUMPTION HAS
3 BEEN REBUTTED BASED ON THE EVIDENCE PRESENTED THROUGH MS.
4 DAVIS. THE COURT HAS CONSIDERED THE STRONG WEIGHT OF THE
5 EVIDENCE AGAINST THE DEFENDANT.

6 THE COURT ALSO HAS TAKEN INTO CONSIDERATION
7 HIS FAMILY TIES, HIS EMPLOYMENT, COMMUNITY TIES, ABSENCE
8 OF A CRIMINAL HISTORY.

9 THE COURT DOES NOTE THAT IT'S CONCERNED THAT
10 MS. DAVIS IS -- HAS BEEN LONG EMPLOYED AND IS NOT THERE
11 FOR A GOOD BIT OF THE DAY.

12 THE COURT HAS CONSIDERED THE MITIGATING
13 FACTORS ASSOCIATED WITH THE ABSENCE OF A CRIMINAL RECORD,
14 AND HIS OWN EMPLOYMENT, HIS MILITARY DISCHARGE, ABSENCE
15 OF HISTORY RELATED TO DRUG OR ALCOHOL ABUSE.

16 NONETHELESS, AS JUDGE GATES DISCUSSED IN HIS
17 ORDER AND IN COURT, THE WEIGHT OF THE EVIDENCE IS QUITE
18 STRONG. THE DEFENDANT OBVIOUSLY WAS COMFORTABLE DOING
19 THIS TRANSACTION AND BEING ABLE TO REDISTRIBUTE THIS
20 LARGE AMOUNT OF COCAINE.

21 THUS, THE COURT DOES FIND THAT THE GOVERNMENT
22 HAS MET ITS BURDEN AND JUDGE GATES' DECISION IS AFFIRMED.

23 THE DEFENDANT WILL BE REMANDED TO THE CUSTODY
24 OF THE ATTORNEY GENERAL OF THE U.S. MARSHAL. THE
25 DEFENDANT WILL CONTINUE TO HAVE ACCESS TO CONSULT WITH

1 COUNSEL AS HE PREPARES HIS CASE.

2 ANYTHING ELSE FROM THE GOVERNMENT?

3 MR. EVANS: NO, YOUR HONOR.

4 THE COURT: ANYTHING ELSE FROM THE DEFENSE?

5 MR. VENABLE: NO, YOUR HONOR. THANK YOU.

6 THE COURT: I DO THANK COUNSEL. THAT WILL
7 CONCLUDE THE MATTER INVOLVING THIS CASE. WE WILL BE IN
8 RECESS.

9 (WHEREUPON, THE PROCEEDINGS WERE ADJOURNED.)

10
11
12 CERTIFICATE

13
14 THIS IS TO CERTIFY THAT THE FOREGOING
15 TRANSCRIPT OF PROCEEDINGS TAKEN IN THE UNITED STATES
16 DISTRICT COURT IS A TRUE AND ACCURATE TRANSCRIPTION OF
17 THE SHORTHAND NOTES OF THE PROCEEDINGS TAKEN BY ME IN
18 MACHINE SHORTHAND AND TRANSCRIBED BY COMPUTER UNDER MY
19 SUPERVISION.

20 DATED THIS 14TH DAY OF MAY, 2014.

21
22
23 /S/ SHARON K. KROEGER
24 COURT REPORTER
25